REMARKS

Claims 1-14, 16, and 18-21 were presented for examination and were pending in this application. In an Office action dated May 11, 2009, claims 1-14, 16, and 18-21 were rejected. Applicants have amended claims 1 and 20 and now respectfully request consideration of the application in view of the above amendment and following remarks.

Claim Rejections - 35 USC § 103

Claims 1, 3-10, 12-14, 16 and 18-21 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,912,707 to Fontes, Jr. ("Fontes") in view of U.S. Patent No. 6,226,652 to Percival et al. ("Percival"). This rejection is respectfully overcome in view of the amended claims.

Claim 1, as amended, recites:

> A method of merging first and second text files wherein the first and second text files are modified versions of a common text file, the method comprising the steps of:
>
> producing a first set of stacked diffs between the first text file and the common text file;
>
> producing a second set of stacked diffs between the second text file and the common text file;
>
> simultaneously displaying the first and second sets of stacked diffs, wherein <u>common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff</u>;
>
> merging the first text file and the second text file to produce a merged result; and
>
> providing to a user a conflict resolution pane which accepts user-generated textual modifications to the merged result. (emphasis added)

Thus, amended claim 1 recites, *inter alia*, "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff." Support for the amended claim language is found throughout the originally filed specification, for example at ¶¶ [0037]-[0038]; Figures 6 and 8. Figure 8 provides an example implementation of the claimed invention where a first stacked diff corresponding to the first text file 220 shown in Figure 2 is displayed in pane 580 and a second stacked diff corresponding to the second text file 230 of Figure 2 is displayed in pane 585. Both the first stacked diff 580 and the second stacked diff 585 include lines of text for "line TWO;" however, "line TWO" of the first text file 220 is modified as indicated by "R chg 1" while "line TWO" of the second text file 230 is differently modified as indicated by "L chg 1," so the first text file 220 and the second text file 230 have incongruous entries for "line TWO." Because of the incongruous entries for "line TWO," the first stacked diff 580 displays the text of "line TWO" so that it is horizontally aligned with a blank line in the second stacked diff 585, as illustrated in Figure 8. Similarly, the entry for "line TWO" in the second stacked diff 585 is horizontally aligned with a blank line in the first stacked diff 580. As depicted in Figure 8, incongruous lines of text in the first stacked diff 580 are horizontally aligned with a blank line or blank lines in the second stacked diff 585 and vice versa to simplify identification of text having different values in each stacked diff.

Additionally, both the first stacked diff 580 and the second stacked diff 585 include lines of text for "line THREE." Moreover, as shown in Figure 2, there are no differences between "line THREE" in the first text file 220 and "line THREE" in the second text file 230. Because

"line THREE" includes the same data in both the first text file 220 and the second text file 230, the entry for "line THREE" in the second stacked diff 585 is aligned with the entry for "line THREE" in the first stacked diff 580. Hence, the claimed simultaneous display of the first and second sets of stacked diffs so that common lines of text in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines of text in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff simplifies location and identification of lines of text having different values in each stacked diff. Horizontally aligning incongruous lines of text with blank lines allows the claimed invention to visually distinguish lines of text having different values in different stacked diffs from lines of text having the same value in both the first stacked diff and the second stacked diff.

Fontes fails to disclose at least the claimed feature of displaying "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff." Figure 12 of Fontes and the associated description are cited as disclosing "simultaneously displaying the first and second set of stacked diffs, wherein common layers of the first and second sets of stacked diffs are aligned and missing layers of each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff." *See* Office Action dated May 11, 2009, pgs. 3-4. However, Figure 12 merely illustrates displaying layer information for a base drawing 300 in a first window 1202 and layer information for a revision 302 in a second window 1204. Specifically, Fontes discloses:

> If a layer is missing from either base drawing 300 or revision 302, the layer appears as a blank line in the other drawing file's window 1202 or 1204.

See Fontes, col. 7, lines 3-5. The layers disclosed by Fontes include graphical objects, such as lines or shapes, so the absence of a layer in a drawing file's window merely indicates that a drawing file does not include graphical objects included in the omitted layer. Thus, a line included in a layer appears in the first window while the layer appears as a blank line in the second window opposite a blank line only if the layer is present in the base drawing and absent from the revision. Fontes does not address the display of layers included in both the base drawing 300 and the revision 302 but are incongruous.

Therefore, Fontes makes no disclosure of horizontally aligning "incongruous lines of text included in each of the first and second sets of stacked diffs…to be adjacent to blank lines of the other stacked diff," as claimed. While the claimed invention displays the first and second stacked diffs so that lines of text are horizontally aligned with each other or with blank lines, as shown in Figure 8 of the present application, Fontes presents two windows side by side, and does not horizontally align contents of the first window to be adjacent to contents of the second window. The claimed invention horizontally aligns lines of text to allow more rapid identification of lines that have differences, such as different edits, in different versions of a file. In contrast, Fontes merely displays images of two different drawing files in different windows 1202, 1204 so that layers of graphical objects included in different drawing files are summarized using the different windows 1202, 1204 for each drawing file regardless of any incongruities between contents of the layers. The listing described in Fontes merely indicates the presence or absence of a layer in different drawing files while providing no indication of whether data included in a layer differs between drawing files.

Additionally, Fontes discloses presentation and comparison of graphical images using two windows to display different versions of the same image. *See* Fontes, FIG. 12; col. 7, lines 3-5. The display of text data is not contemplated by Fontes, as the disclosed layers include different graphical elements, such as lines or shapes, and there is no indication that the layers include text data. The layer listing depicted by Figure 12 of Fontes merely indicates whether or not certain graphical elements are included in different versions of an image and does not identify layers in which one image has modified the constituent graphical elements to be incongruous to the same layer in the other image. As Fontes is directed towards the comparison of changes to drawings by a computer aided drafting (CAD) application, its disclosure focuses on identifying differences between versions of a graphical image and its presentation summarizing layers of graphical elements is not suited for identifying incongruous lines of text data having different values in different stacked diffs. Fontes, col. 1, lines 29-36.

Hence, Fontes does not disclose or suggest the claimed feature of simultaneously displaying first and second sets of stacked diffs so that "incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff."

Percival fails to remedy the deficient disclosure of Fontes. While Percival describes displaying different versions of a file, Percival does not disclose or suggest displaying horizontally aligning "incongruous lines of text included in each of the first and second sets of stacked diffs…to be adjacent to blank lines of the other stacked diff," as claimed. Figures 3-9 of Percival illustrate the various types of displays disclosed by Percival. At most, Figure 6 of Percival shows a "Split View" in which two versions, a "DataBase version" and a "Local version" are shown side-by-side. *See* Percival, Figure 6 and col. 5, lines 11-13. However, the

"Split View" does not present lines of text included in both versions but having incongruities, such as lines 14 and 16-19 in Figure 6, so that the lines of text are horizontally aligned to be adjacent to a blank line in the other version. Rather, Percival displays lines of text included in both versions but having incongruities so that they are horizontally aligned with each other so that the lines of text are directly opposite each other. *See* Percival, Figure 6. The other views disclosed by Percival (Composite View, Split-Merge View, and Composite-Merge View) show the DataBase and Local versions interleaved with each other. above each other or alongside a Merge Target, and do not depict incongruous lines of text in each version horizontally aligned to be adjacent to blank lines in the other version. *See* Percival, Figures 3-5 and 7-9, col. 3, line 63 to col. 4, line 30.

Although the Merge Target in Percival can include blank lines, such blank lines correspond to lines absent from the Merge Target (e.g., lines 16-19 of window 704 in Figure 7), and are unrelated to the display of incongruous lines in different file versions in the Merge Target. Moreover, only a single Merge Target is disclosed in Percival and therefore the Merge Target cannot reasonably be interpreted as one of a pair of stacked diffs, but is a single entity. Therefore, Percival does not disclose or suggest the claimed feature of simultaneously displaying first and second sets of stacked diffs so that "incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff."

Unlike Fontes, Percival discloses comparison of different text files. Also unlike Fontes, Percival makes no disclosure of "layers" including different elements, but presents text data from different files using color-coding to identify differences in text between different files. Percival, col. 5, lines 19-21. The identification of differences in text disclosed by Percival is not

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compatible with merely determining the presence or absence of graphical elements in drawing files as disclosed by Fontes. There is no disclosure or suggestion in Fontes that associating layers with graphical elements is applicable to, or suitable for, text comparison, as identifying differences within a text string requires more analysis than merely determining whether a graphical element is present or absent from a drawing file. Because Fontes is solely concerned with monitoring edits to a drawing, there is no basis for combining Fontes with Percival, which solely addresses monitoring revisions or edits to text-based files.

Therefore, there is no disclosure or suggestion in Fontes or Percival, both alone or in combination, of simultaneously displaying first and second sets of stacked diffs so that "incongruous lines of text included in each of the first and second sets of stacked diffs are horizontally aligned to be adjacent to blank lines of the other stacked diff," as claimed. Hence it is respectfully submitted that for at least these reasons, claim 1 is patentably distinguishable over the cited references, both alone and in combination. Therefore, reconsideration and withdrawal of its rejection is respectfully requested.

As claims 3-10 and 12-14 variously depend from claim 1, all arguments advanced above are hereby incorporated so as to apply to claims 3-10 and 12-14. Therefore, it is respectfully submitted that claims 3-10 and 12-14 are patentable over the cited references, both alone and in combination, withdrawal of this rejection is respectfully requested.

Independent claim 20 has been amended to recite elements similar to claim 1, specifically:

> ….simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines included in each of the first and second sets of stacked diffs are aligned to be adjacent to blank lines of the other stacked diff.

Thus, all arguments advanced above with respect to claim 1 also apply to amended claim 20. Hence, claim 20, as amended, is patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner withdraw this rejection.

As claims 16, 18, 19, and 21 variously depend from claim 20, all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claims 16, 18, 19, and 21. Therefore, Applicants respectfully submit that claims 16, 18, 19, and 21 are patentable over the cited references, both alone and in combination, and respectfully request withdrawal of this rejection.

Claim 2 was rejected under 35 USC § 103(a) as allegedly being unpatentable over Fontes in view of Percival in further view of U.S. Patent 6,275,223 B1 to Hughes ("Hughes"). This rejection now is overcome in view of the amended claims.

As claim 2 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 2. Hughes fails to remedy deficient disclosure of Fontes and Percival. Rather, Hughes is cited merely to show two files being scrolled together. Hughes describes showing two versions of source code in a side by side manner (FIG. 15 col. 12, lines 23-31), but does not disclose or suggest "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines included in each of the first and second sets of stacked diffs are aligned to be adjacent to blank lines of the other stacked diff," as claimed.

Accordingly, for at least the reasons set forth above, claim 2 is patentably distinct from the cited references, both alone and in combination. Thus, Applicants respectfully request withdrawal of this rejection.

Claim was rejected 11 under 35 USC § 103(a) as allegedly being unpatentable over Fontes in view of Percival in further view of U.S. Patent 6,407,753 B1 to Budinsky et al. ("Budinsky"). This rejection now is overcome in view of the amended claims.

As claim 11 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 11. Budinsky fails to remedy deficient disclosure of Fontes and Percival. Rather, Budinsky is cited merely to show undoing selection and copying steps. Budinsky describes a system in which entities are merged according to user-defined rules, but does not disclose or suggest "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are horizontally aligned with each other and incongruous lines included in each of the first and second sets of stacked diffs are aligned to be adjacent to blank lines of the other stacked diff," as claimed

Accordingly, for at least the reasons set forth above, claim 11 is patentably distinct from the cited references, both alone and in combination. Thus, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants respectfully submit that claims 1-14, 16 and 18-21, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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